

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

BFJ HOLDINGS, INC. D/B/A CAPRI)
JEWELERS,)
Plaintiff,)
v.) Case No. 3:12cv681
DIAMONDS DIRECT USA, INC.,)
and)
ITAY BERGER,)
Defendants.)

MOTION FOR SETTLEMENT CONFERENCE REFERRAL

BFJ HOLDINGS, INC. D/B/A CAPRI JEWELERS, pursuant to E.D. Va. Loc. Civ. R. 83.6, moves this court to refer this matter to Magistrate Judge Novak for a settlement conference on these grounds:

1. This is a cybersquatting action involving the wrongful use of Capri Jewelers internet domain names.
2. In its complaint, Capri Jewelers requests an order enjoining the defendants for further wrongful use of sixty-six (66) domain names and an order for statutory damages and attorneys' fees. (Doc. No. 1, ¶¶ 26, 27.)
3. This action is related to a pending trademark action, *Diamonds Direct USA, Inc., et al. v. BFJ Holdings, Inc. D/B/A Capri Jewelers*, Case No. 3:12-cv-00303-HEH. That action has been referred to Judge Novak for a settlement conference.
4. Because this action involves common parties and somewhat related issues, and because the purpose of settlement is to end all matters of controversy between the parties, this

action should also be discussed at the same settlement conference.

For these reasons, Capri Jewelers respectfully requests that this court enter an order referring this matter to Magistrate Judge Novak for a settlement conference.

BFJ HOLDINGS, INC. D/B/A CAPRI
JEWELERS

By Counsel

/s/ Sandra M. Holleran

Christopher C. Spencer (VSB No. 21878)
Direct Dial: 804.285.5220
Email: cspencer@ohaganspencer.com
Sandra M. Holleran (VSB No. 28808)
Direct Dial: 804.285.5222
Email: sholleran@ohaganspencer.com
O'Hagan Spencer LLP
6806 Paragon Place, Suite 200
Richmond, VA 23230
Telephone: 804.285.5200
Facsimile: 804.285.5210
Counsel for Plaintiff
BFJ Holdings, Inc. d/b/a Capri Jewelers

Ian D. Titley (VSB No. 27531)
Schroder Fidlow, PLC
1901 E. Franklin Street, Suite 107
Richmond, VA 23233
Telephone: 804.364.0405
Facsimile: 800.906.7542
Email: idt@schraderfidlow.com
Counsel for Plaintiff
BFJ Holdings, Inc. d/b/a Capri Jewelers

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of September, 2012, the foregoing was served by electronic mail and U.S. Mail on the following:

John R. Owen, Esq. (VSB No. 39560)

Julie S. Palmer, Esq. (VSB No. 65800)
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
Telephone: 804.747.5200
Facsimile: 804.747.6085
jowen@hcww.com
jpalmer@hcww.com
Counsel for Defendants
Diamonds Direct USA, Inc. and Itay Berger

Raboteau T. Wilder, Esq.
(not admitted in Virginia)
Jackson R. Price, Esq.
(not admitted in Virginia)
Womble Carlyle Sandridge & Rice, PLLC
3500 One Wachovia Center
301 South College Street
Charlotte, NC 28202
Telephone: 704.331.4900
Facsimile: 704. 338.7855
rwilder@wesr.com
japrice@wesr.com
Counsel for Defendants
Diamonds Direct USA, Inc. and Itay Berger

/s/

Sandra M. Holleran (VSB No. 28808)
Direct Dial: 804.285.5222
Email: sholleran@ohaganspencer.com
O'Hagan Spencer LLP
6806 Paragon Place, Suite 200
Richmond, Virginia 23230
Telephone: 804.285.5200
Facsimile: 804.285.5210
Counsel for Plaintiff BFJ Holdings, Inc. D/B/A
Capri Jewelers